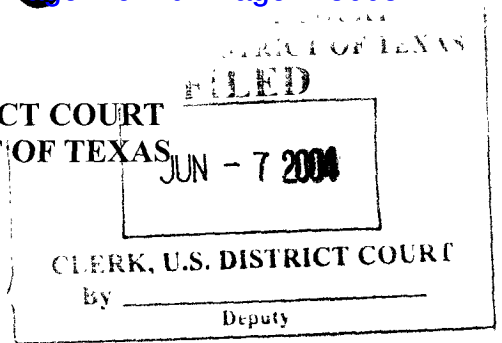


N

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



ALLSTATE INSURANCE COMPANY,
Et Al.,
Plaintiffs

vs.

RECEIVABLE FINANCE COMPANY,
L.L.C, Et. Al.
Defendants

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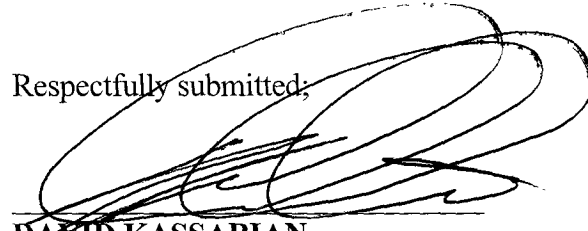
Civil Action No. 3-01CV2247-N

**APPENDIX TO PLAINTIFFS' MOTION TO COMPEL DEPOSITION
OF DAN OSBORNE, AND BRIEF IN SUPPORT THEREOF**

COME NOW the Plaintiffs and file this Appendix to their *Plaintiffs' Motion to Compel Deposition of Dan Osborne, and Brief in Support Thereof*.

<u>Exhibit</u>	<u>Document</u>	<u>Page Numbers</u>
A	Letter dated May 13, 2004	1-3
B	Letter dated May 25, 2004	4-5
C	Letter dated June 1, 2004	6-7

Respectfully submitted;

A large, stylized handwritten signature in black ink, appearing to read 'David Kassabian', is written over a horizontal line.

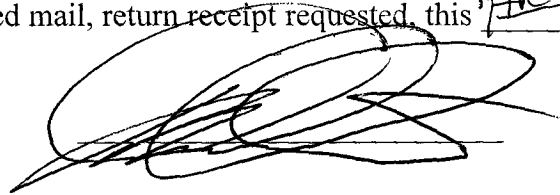
DAVID KASSABIAN
TEXAS STATE BAR NO. 11105600
BRET WEATHERFORD
TEXAS STATE BAR NO. 20998800

**KASSABIAN, DOYLE &
WEATHERFORD, P.C.**
1521 North Cooper Street
Suite 650, LB 21
Arlington, TX 76011
(817) 460-5099 (Local)
(817) 461-8855 (Metro)
(817) 274-9863 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Appendix has been served on the following attorneys for Defendants, by certified mail, return receipt requested, this 7th day of June, 2004:

A large, stylized handwritten signature in black ink, likely belonging to the sender of the certificate.

Mr. Rick Disney
Douglas, Wuester & Disney, P.C.
Fort Worth Club Tower, Penthouse I-C
777 Taylor Street
Fort Worth, TX 76102-4919

Mr. Lindy Jones
Jones, Allen & Fuquay, L.L.P.
8828 Greenville Avenue
Dallas, TX 75243

Mr. Michael Mears
Andrews & Kurth, L.L.P.
1717 Main Street, Suite 3700
Dallas, TX 75201

Mr. Robert Renneker
1412 Main Street
Suite 210
Dallas, TX 75202

Mr. James D. Shields
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5401 Village Creek Drive
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Mr. Chris Weil
Weil & Petrocchi, P.C.
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Mr. Richard Young
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KASSABIAN, DOYLE & WEATHERFORD

DAVID KASSABIAN
BOARD CERTIFIED
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May 13, 2004

Michael Mears
ANDREWS & KURTH, L.L.P.
1717 Main Street, Suite 3700
Dallas, TX 75201
FACSIMILE 214/659-4401

RE: CIVIL ACTION NO: 3-01CV2247-N
ALLSTATE INSURANCE COMPANY, ET AL V. RECEIVABLE
FINANCE COMPANY, L.L.C., ET AL

Dear Mr. Mears:

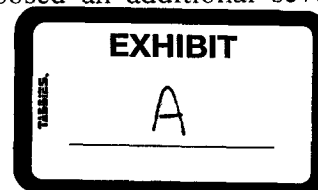
This letter will confirm our conference on May 13, 2004. On several occasions, I have requested you and Lindy Jones to advise whether you will voluntarily produce Daniel Osborne in Dallas for his deposition. As you recall, Bob Smith testified that Mr. Osborne is still on the compliance board for Accident & Injury. However, you now advise you will not produce Mr. Osborne in Dallas for his deposition. My legal assistant attempted to call Mr. Osborne to secure convenient dates for his deposition in Kansas. He refused to give dates. In view of the total lack of cooperation, we will subpoena Mr. Osborne for his deposition in Kansas on May 24, 2004 at 10:00 a.m.

You advised that you refuse to produce Brigitta Naughton for her deposition. You agree that we can proceed with a Motion to Compel without the necessity of serving a deposition notice upon her.

After repeated requests to reach an agreeable date for the continuation of Dr. Crocoll's deposition, which was begun 5 weeks ago under a subpoena issued by Defendants, we will file a Motion for Plaintiffs to Proceed with Cross-Examination to conclude the deposition.

Additionally, Plaintiffs Seventh Request for Production to Accident & Injury Pain Centers is now almost two weeks overdue and has been completely ignored. No objections have been served and no documents have been produced. We will proceed with a Motion to Compel.

You have issued a Deposition Notice for Bruce Vest for June 3, 2004. As you recall, you previously conducted a seven hour deposition of Mr. Vest as a 30(b)(6) witness. That deposition included his complete background history. We have not opposed an additional seven hour



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Mr. Michael Mears

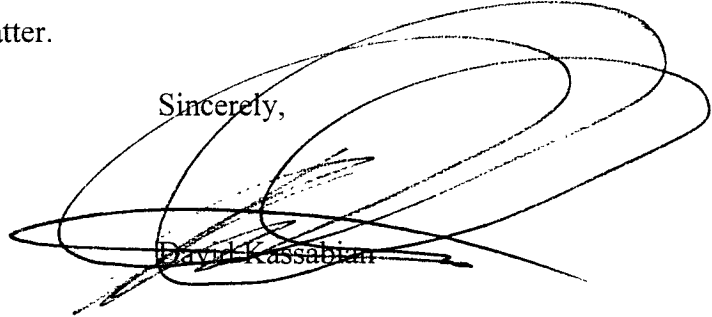
May 13, 2004

Page 2

deposition of Mr. Vest. However, we have now received a 30(b)(6) deposition notice issued by counsel for Steven Smith and Tina Cheshire. Mr. Vest is the person to be presented in response to that notice. I want to make it clear that we will not have Mr. Vest deposed for 14 hours. Therefore, I suggest you coordinate with Mr. Shields and Ms. Hoke. If there is a reasonable basis for some additional time after the expiration of seven hours, we will consider a reasonable request for additional time.

I appreciate your cooperation in this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "David Kassabian". The signature is written over the word "Sincerely," and the name "David Kassabian" which is printed below it.

DK/pm

cc: (via facsimile)

Mr. Rick Disney

Douglas, Wuester & Disney, P.C.

Fort Worth Club Tower, Penthouse I-C

777 Taylor Street

Fort Worth, TX 76102-4919

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Mr. Christopher Weil

Weil & Petrocchi

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1900 Thanksgiving Tower

Dallas, TX 75201

Mr. Michael Mears

May 13, 2004

Page 3

cc: (via facsimile)

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Dallas, TX 75240-6657

LAW OFFICES OF

KASSABIAN, DOYLE & WEATHERFORD



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May 25, 2004

Mr. Lindy Jones
JONES, ALLEN & FUQUAY, L.L.P.
8828 Greenville Avenue
Dallas, TX 75243

Via facsimile

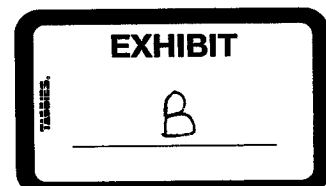
**RE: CIVIL ACTION NO: 3-01CV2247-N
ALLSTATE INSURANCE COMPANY, ET AL V. RECEIVABLE
FINANCE COMPANY, L.L.C., ET AL**

Dear Mr. Jones:

I write this letter in regard to your Motion to Quash the oral deposition of Daniel Osborne.

You will recall that Robert Smith testified that Mr. Osborne remains on the Accident & Injury compliance board. We timely requested Mr. Osborne's deposition. Although it was represented in Disclosures that he was either in Ohio or California, he was located in Kansas. Your Motion to Quash complained only of the date and time for the scheduled deposition. You did not set forth any substantive objection to Mr. Osborne being deposed. I subsequently discussed the matter with Mr. Mears at the time we conducted the Foust deposition. Mr. Mears indicated that he had no substantive objection to the deposition of Mr. Osborne and agreed it should be scheduled for a date after the June 3, 2004, close of discovery. I am not making an issue of the fact that Mr. Osborne is still associated with Accident & Injury and might technically need to be produced in Dallas for his deposition. We are willing to go to Kansas to take the deposition.

I would appreciate it if you and/or Mr. Mears would contact Mr. Osborne to get a mutually convenient date and time for his deposition. At this time, I am suggesting Friday, June 18, 2004. Please advise whether this is an acceptable date. Otherwise, please advise of other available dates in June 2004.



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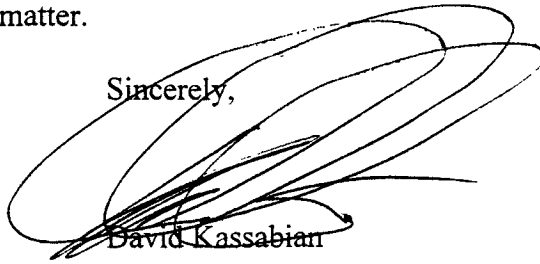
Mr. Lindy Jones

May 25, 2004

Page 2

I appreciate your courteous attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'David Kassabian'.

David Kassabian

DK/sbc

VIA FACSIMILE

c: Mr. Rick Disney
Douglas, Wuester & Disney, P.C.
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777 Taylor Street
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of Counsel
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Dewey M. Dalton, Jr.
Stephen A. Grimmer
David S. Mao
E.X. Martin, III

writer's e-mail:
ljones@jonesallen.com

June 1, 2004



Via Facsimile: 817-274-9863

Mr. David Kassabian
Kassabian, Doyle & Weatherford, P.C.
1521 N. Cooper Street
Suite 650, LB 21
Arlington, Texas 76011

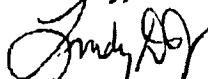
Re: *No. 3-01CV2247-N; Allstate Insurance Company et al. v. Receivable Finance Company, L.L.C., et al.*

Dear Mr. Kassabian:

This is in response to one of your letters dated May 25, 2004. As to Dan Osborne's deposition you simply provided virtually no advance notice, never served Mr. Osborne, and expected us at the end of discovery to drop everything to go to Kansas to take his deposition. The discovery period is closing without you ever making any real effort to dispose Mr. Osborne. We would object to going forward with that deposition either inside or outside of the discovery cutoff.

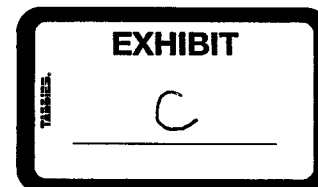
You have not cooperated in virtually any aspect of the case. You have used a majority of the deposition time, including approximately fifty (50) hours of deposition of my chiropractic clients, yet will not allow me to ask Dr. Timberlake even a single question by agreement. I see no reason to cooperate with you to bend the rules beyond what we have already done. We have extended dates, prepared doctors on a just a few days notice to fill in any open deposition date, and have received no cooperation in return. You continue to defame my clients and prosecute what you are bound to know by now, is a spurious case. Regardless of any "agreement" (and I use that term loosely since you represented to the Court that there was an agreement to take Bob Smith's deposition on May 11, 2004, when there was no such agreement, and you know it), if the discovery deadline is extended, it will take all the attorneys involved to agree to that. I do not and will not agree. Again, I would ask that you agree to provide Dr. Timberlake for examination by me at a convenient time and place.

Sincerely,


Lindy D. Jones

LDJ/kw

J:\M-D\Receivable\allen\re\kassabian [1 of 4] wjd wpd



Mr. David Kassabian

June 1, 2004

Page 2

cc: Mr. Bruce F. Howell [Via Electronic Transmission]
Mr. Michael E. Mears
Andrews & Kurth
Mr. Christopher M. Weil [Via Electronic Transmission]
Weil & Petrocchi, P.C.
Mr. James D. Shields [Via Electronic Transmission]
Ms. Katherine DiSorbo
Ms. Elizabeth Basden
Shields, Britton & Fraser
Mr. Richard E. Young [Via Electronic Transmission]
Glast Phillips & Murray, P.C.
Mr. Rick Disney [Via Electronic Transmission]
Douglas, Wuester & Disney, P.C.
Mr. Robert H. Renneker [Via Electronic Transmission]
Accident & Injury Pain Centers, Inc.